

CITY OF LODI  
 INFORMAL INFORMATIONAL MEETING  
 "SHIRTSLEEVE" SESSION  
 CARNEGIE FORUM, 305 WEST PINE STREET  
 TUESDAY, JUNE 30, 1998

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 30, 1998 commencing at 7:00 a.m.

ROLL CALL

Present: Council Members - Johnson, Land, Pennino and Sieglock (Mayor)

Absent: Council Members - Mann

Also Present: City Manager Flynn, Deputy City Manager Keeter, Economic Development Coordinator Goehring, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, Human Resources Director Narloch, City Attorney Hays and City Clerk Reimche

Present in the audience was a representative of the Lodi News Sentinel.

TOPIC(S)

1. Update on the Activities of the Year 2000 Steering Committee
2. Closed Session - 7:25 a.m.
  - a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
  - b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators **There was no need to discuss this matter.**
  - c) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin County Public Employees Association (SJPEA) for General Services **There was no need to discuss this matter.**
  - d) Conference with labor negotiator: Human Resources Director, Joanne Narloch, regarding United Firefighters of Lodi (UFL) pursuant to Government Code §54957.6 **There was no need to discuss this matter.**
  - e) Conference with legal counsel: Anticipated litigation - Initiation of litigation pursuant to subdivision (c) of §54956.9. One case.
3. Return to Open Session / Disclosure of Action
 

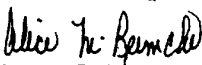
There was no final action taken in these matters
4. Comments by the public on non-agenda items
  - a) On introduction of Council Member Johnson, the City Manager was requested to look at the recent actions of the Calaveras Board of Supervisors whereby they approved the acquisition of the Kentucky House Spur Line. It was pointed out that if the acquisition does not take place, this property will revert back to the adjacent property owners. The City Manager was asked to look into the Calaveras County Board of Supervisors' request that the City of Lodi join with them in this action and what ramifications this would have as it pertains to liability, etc.

*Continued June 30, 1998*

ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at approximately 8:40 a.m.

ATTEST:

  
Alice M. Reimche  
City Clerk

COUNTY OF CALAVERASOFFICE OF COUNTY COUNSEL

Spencer B. Batchelder  
County Counsel

David E. Sirias  
Assistant County Counsel

Jarvis J. Elliott  
Deputy County Counsel

June 30, 1998

J. E. Matza, Sr. Manager, Real  
Estate  
Union Pacific Railroad Company  
Real Estate Department  
1800 Farnam Street  
Omaha, NE 68102

Gerard Sullivan, General  
Attorney  
Union Pacific Railroad Company  
1416 Dodge Street, Suite 830  
Omaha, NE 68179-0001

Via Fax: (402) 271-5610

Via Fax: (402) 997-3601

Re: Kentucky House Branch

Dear Messrs. Matza and Sullivan:

At its meeting of June 29, 1998, the Calaveras County Board of Supervisors passed the following Minute Order:

The Board of Supervisors hereby expresses its desire to accept the Kentucky House Spur Line Right-of-Way located in Calaveras and San Joaquin Counties:

- a. Excepting therefrom any portions which the Board of Supervisors determines to be not necessary or desirable to retain;
- b. Further excepting any portions which are to be retained by Union Pacific Railroad Company;
- c. Subject to further confirmation and approval by the Board of Supervisors of additional terms, conditions and circumstances, including but not limited to the following proposals:
  1. Rails and fixtures pertinent to the operation of a railroad not be removed, if possible (for a period of two years from the date of transfer), if a viable economic use be presented to Union Pacific;

J. E. Matza, Sr. Manager, Real Estate  
Gerard Sullivan, General Attorney  
Union Pacific Railroad Company  
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2. An agreement can be reached as to an environmental release and respective rights and responsibilities;
3. That the language of the C C & R be interpreted if not modified to allow a use as a transportation corridor that is not tied to a particular technology.

By way of explanation of some of the above items, I offer my interpretation of the intent of the Board.

First, as to paragraph (a), there may be some properties which have clear reversionary rights, or there may be properties which the Board of Supervisors would not wish to accept for other reasons, and the Board would like to make it clear that there may be properties which may be determined to be unacceptable. It would seem in that case that the Railroad could quitclaim directly to the underlying or adjacent property owners, or could quitclaim to the County and the County could quitclaim to those property owners.

As to paragraph (c), that was made primarily in response to Mr. Sullivan's comment that there may be other conditions imposed as other Union Pacific departments review the proposed transaction, and there may be some circumstances which the Board is not yet aware of which it would like to consider in the future.

Turning to paragraph (c)(1), the Board has received unverified testimony that there are commercial interests that have been negotiating with Union Pacific for the use of the railroad or which are interested in otherwise acquiring and operating a rail service. The Board wanted to express that it is open to any discussions that would be mutually beneficial to Union Pacific, the County and any proposed operator.

As to paragraph (c)(2), the Board is naturally cautious about a complete environmental release. We would like to see a copy of the proposed release. I hope that you can understand that as a small County (35,000 population, under \$16,000,000.00 discretionary budget), the Board cannot afford to take potentially serious environmental risks.

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Finally, as to paragraph (c)(3), the proposed quitclaim deed imposes C C & R for use as a railroad or railroad purposes only. My Board would also like to be able to use the property for other transportation purposes not necessarily tied directly to a particular technology. So, I would like to discuss this with you further.

Basically, it has been a 4-1 vote of the Board of Supervisors that it is necessary and desirable to retain this right-of-way for future transportation uses. Nevertheless, the Board must be cautious in proceeding. Therefore, we sincerely hope that you will treat this correspondence as sufficient evidence of our intent to acquire the right-of-way and an opportunity to discuss some of the finer details.

I look forward to your earliest favorable response.

Sincerely,



SPENCER B. BATCHELDER  
COUNTY COUNSEL

SBB/jek

cc (by mail and fax):

Senator Patrick Johnston  
Board of Supervisors, County of San Joaquin  
City Council, City of Lodi